IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL NO. 29 OF 2007

Major (Retd.) D.K. Abhyankar. .. Petitioner.

vs.

State of Maharashtra & Ors. .. Respondents.

Major (Retd.) D.K. Abhyankar Petitioner in person.
Ms. V.K. Khatu for respondent nos. 3 & 3.
Mr. Jayesh Sapra for respondent no. 4.

..

CORAM: J.N. PATEL &
A.A. SAYED, JJ.
DATE: 22ND AUGUST 2007.

P.C.

. Heard.

2. The Petitioner has filed this public interest litigation seeking a writ of mandamus against respondent nos. 2 and 3 to take action and initiate departmental enquiry into the matter of unauthorised concession and construction on plot bearing CTS No. 105, which is the property of Kurla Kamgar Co-operative Housing Society, which is in its possession basically

on the ground that the unauthorised construction has been sanctioned compromising the D.C. Rules relating to open space like play ground, etc.

3. In the affidavit in reply the Corporation has taken a stand that the same is done in accordance with the policy and the sanction is given in accordance with the rules. The respondent society has also filed their affidavit in reply in which they have stated that the petitioner himself was a party to this proposal in his capacity as an administrator of the respondent society. Therefore, we do not find any merit in the petition and no public interest is involved. Therefore, the petition is dismissed with costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)